



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Watershed Management

BRP WM 09

Approval of NPDES Stormwater Pollution Prevention Plans
for Construction or Industrial General Permits
(Discharging to Outstanding Resource Waters (ORWs) only)

Instructions and Supporting Materials

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Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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1. What is the purpose of this approval?

BRP WM 09 establishes an approval process for DEP review of stormwater discharges to Outstanding Resource Waters (ORWs) to protect the receiving surface water from degradation. It applies to cases where DEP has reviewed the information submitted in BRP WM 08B, Stormwater General Permit Notice of Intent for Discharges to Outstanding Resource Waters (ORWs) from Construction Sites or Industrial Sites, and determined that additional evaluation of proposed stormwater pollution control measures is necessary.

Stormwater discharges eligible for coverage under EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities must also comply with Massachusetts's statutory and regulatory provisions that require the protection of Outstanding Resource Waters, designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00.

Statutory and regulatory authority for coverage under this approval can be found at the Massachusetts Clean Waters Act, MGL Chapter 21, §§ 26-53, 314 CMR 3.00 and 314 CMR 4.00.

2. Who must apply?

Any person seeking coverage under EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities, for existing or proposed discharges to Outstanding Resource Waters.

Applicants that previously have filed a BRP WM 08B Notice of Intent with DEP and have been notified by the Department that approval of a stormwater pollution prevention plan is required.

3. What other requirements should be considered when applying for this approval?

- a. The applicant must have obtained the appropriate federal NPDES Notice of Intent forms from U.S. EPA for either the Stormwater Multi-Sector General Permit for Industrial Activities or the General Permit for Stormwater Discharges from Construction Activities.
- b. The applicant must prepare the appropriate EPA Notice of Intent for Stormwater Discharges and the stormwater pollution prevention plan required by the applicable EPA general permit.
- c. Permits of this type may require MEPA review. Please carefully examine the MEPA Regulations (301 CMR 11.00) to determine if your project exceeds the MEPA review thresholds. For more information, contact the MEPA Unit of the Executive Office of Environmental Affairs at 617-626-1020.
- d. In some circumstances, a DEP individual permit for discharges to surface waters may be required. Please refer to 314 CMR 3.00, Surface Water Discharge Permit Program for more information.
- e. For further information, call DEP's Division of Watershed Management at 508-792-7470.

4. What is the application fee?

The application fee for BRP WM 09 is \$930.



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Fee exemption applies to any Massachusetts city or town or municipal housing authority.

5. What is the Primary Permitting Location?

Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, MA 01608

There is no reserve copy location for the approval.

6. What are the timelines?

As of July 1, 1992, the timelines are:

	AC	T1	T2*
BRP WM 09	n/a	60	60

*A second technical review will be conducted only if necessary.

There is no public comment review period for the approval.

7. What is the annual compliance fee?

There is no annual compliance fee for the approval.

8. How long is the approval in effect?

The approval, unless modified by DEP, continues in effect for the five-year duration of EPA's General Permit.

9. How can I avoid the most common mistakes made in applying for this approval?

- a. Provide the requested information on the BRP WM 09 form.
- b. Submit one copy of the DEP Transmittal Form, along with a copy of the WM 09 to:

Massachusetts Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, MA 01608

- c. Submit the fee and one copy of the DEP Transmittal Form to:
DEP
P. O. Box 4062
Boston, MA 02211
Make check payable to the Commonwealth of Massachusetts.
- d. Consult the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or call the Division of Watershed Management at 508-792-7470, to determine if your stormwater discharge is to Outstanding Resource Water(s).



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- e. For information on ACECs, contact the Massachusetts Department of Environmental Management at 617-626-1250 or at the following website, <http://www.state.ma.us/dem/programs/acec/acec1.htm>.

10. What are the state regulations that apply to the approval? Where can I get copies?

These regulations include, but are not limited to:

- a. Surface Water Discharge Permit Program, 314 CMR 3.00.
- b. Surface Water Quality Standards, 314 CMR 4.00.
- c. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

Official versions of all state statutes and regulations are only available for purchase at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street
Springfield, MA 01103
413-784-1376

Unofficial versions of the Regulations may be viewed on DEP's website at
<http://www.state.ma.us/dep/matrix.htm>.



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Application Completeness Checklist

- ☐ The applicant has submitted complete information for the BRP WM 09 approval application, including a copy of the stormwater pollution prevention plan (SWPPP), developed for each facility or site covered by EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities.
- ☐ In addition to filing the appropriate BRP WM 09 approval application with the Massachusetts DEP, an applicant must contact U.S. EPA to obtain and prepare the appropriate federal NPDES Notice of Intent forms.
- ☐ The DEP Transmittal Form is completed

To submit the package:

- ☐ Checklist items have been completed.
- ☐ Send one copy of the BRP WM 09 approval application along with one copy of the DEP Transmittal Form to:

Massachusetts Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, Ma 01608

- ☐ Send fee of:

\$930 for BRP WM 09 (if applicable), in the form of check or money order made payable to "Commonwealth of Massachusetts", along with one copy of the DEP Transmittal Form to:

Massachusetts Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

- ☐ Keep a copy of the transmittal form, check and BRP WM 09 approval package for your records.



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Guidance Document

DEP offers the following information as guidance for developing the Stormwater Pollution Prevention Plan (SWPPP) for EPA's NPDES General Permit for Stormwater Discharges from Construction Activities. The Department instructs the applicant to follow EPA's specific guidelines and requirements for SWPPP development, as the instructions in the general permit are more inclusive.

Developing a Stormwater Pollution Prevention Plan (SWPPP) and identifying best management practices (BMPs) for construction activities are considered to be the most important requirements of EPA's NPDES General Permit for Stormwater Discharges from Construction Activities. Each plan must be tailored to the site-specific conditions, and designed with the goal of controlling the amount of pollutants in stormwater discharges from the site.

Components of the Plan - The permit requires that the SWPPP contain a site description, and a description of the measures and controls to prevent or minimize pollution of stormwater. The site description must include:

- A description of the nature of the construction activity, including the function of the project;
- A sequence of major construction activities that disturb soil over major portions of the site;
- An estimate of the total area of the site and of the area to be disturbed;
- Estimates of the site's runoff coefficient during and after construction;
- Any existing data describing the quality of stormwater discharge from the site;
- The name of the receiving water(s);
- Any information on the type of soils at the site;
- Information on endangered or threatened species and if they are in proximity to the permit area;
- A site map indicating drainage patterns and slopes after grading activities are complete; areas of soil disturbance; the outline of the area to be disturbed; locations of stabilization measures and controls; and, surface waters at the discharge points.

Measures and Controls - Measures and controls that will be used to prevent or minimize pollution of stormwater must include three different types of controls:

• **Erosion and Sediment Controls**

- Stabilization (seeding, mulching, etc.) – Disturbed areas must be stabilized within 14 days, or as soon as practicable, after construction activity has temporarily or permanently ceased on any portion of the site. Three exceptions are: when construction activities will resume within 21 days of previous construction activity; in semi-arid, arid areas or areas experiencing drought; and when stabilization measures were precluded by snow cover or frozen ground. In the last two exceptions, measures must be initiated as soon as practicable.
- Structural Controls – The SWPPP must include a description of structures built to divert flows from exposed soils and store or limit runoff and the discharge of pollutants from exposed areas on the site. Sites with common drainage locations that serve 10 or more disturbed acres must install a sediment basin where it is attainable (where a basin is not attainable, sediment traps, silt fences or other equivalent measures must be installed). Drainage locations, which serve less than 10 disturbed acres, must install smaller sediment basins, or sediment traps or silt fences along the down slope and side slope perimeter.

- **Stormwater Management Controls** - The permittee must consider installing measures (stormwater detention structures, infiltration measures, etc.) to control pollutants after construction is complete. Velocity dissipation devices must be installed in outfall channels to prevent erosive conditions.



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- **Other Controls** - The plan must ensure that solid materials are not carried by stormwater into the receiving waters. Measures must be taken to prevent construction vehicles from tracking soil off of the construction site, and to reduce dust generation at the construction site. The operator must comply with state and/or local sanitary sewer or septic system regulations and describe measures necessary to protect listed endangered or threatened species or critical habitat.

Inspection/Maintenance - Operator personnel must inspect the construction site at least once every fourteen (14) days and within 24 hours of a rainfall of 0.5 inches or more. Areas with sites that have been stabilized or sites that are located in arid or semi-arid areas must be inspected once a month. The inspector must prepare a report documenting his/her findings on the conditions of the controls and stabilized areas and must retain the report with the SWPPP for up to three (3) years after the site has been finally stabilized.

Deadline - The Plan must be prepared prior to the submission of the Notice of Intent. The NOI must be postmarked two days before work can begin on the site. The construction project must comply with the provisions of the plan throughout the construction period. The plan is to be kept on site during the entire construction period.

Submission - A copy of the plan along with the signed Notice of Intent should be submitted to:

Massachusetts Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, Ma 01608

Signature - The plan must be signed by a responsible official such as the president, vice president, or general partner.

Additional References – EPA-Reissuance of General Permit for Stormwater Discharges From Construction Activities (Feb 17, 1998, Federal Register/Vol. 63, 7858), EPA - Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-005, September 1992) on EPA's website: http://www.epa.gov/npdes/pubs/contents_conguide.pdf. Also, the Summary Guidance for the same, (October 1992) on EPA's website at <http://www.epa.gov/npdes/pubs/owm0307.pdf>.



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DEP offers the following information as guidance for developing the Stormwater Pollution Prevention Plan (SWPPP) for EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities. The Department instructs the applicant to follow EPA's common and industry specific SWPPP requirements, as the instructions in the general permit are more inclusive.

Developing a Stormwater Pollution Prevention Plan (SWPPP) and identifying best management practices (BMPs) for industrial activities are considered to be the most important requirements of EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities. Each plan must be tailored to the industrial facility's potential pollutant sources at the site and designed with the goal of preventing or controlling the discharge of pollutants in stormwater runoff.

Pollution Prevention Team - Each facility will select a Pollution Prevention Team from its staff and the Team will be responsible for developing and implementing the plan.

Components of the Plan - The permit requires that the SWPPP contain a description of potential pollutant sources associated with industrial activity at the facility, and a description of the measures and controls to prevent or minimize pollution of stormwater. The description of potential pollutant sources must include:

- A map of the facility showing location and receiving waters within one mile of the facility; directions of stormwater flow; locations of stormwater outfalls and the areas that drain to them;
- A description and location of industrial activities exposed to precipitation;
- A prediction of the pollutants which are likely to be present in the stormwater;
- A description of the likely source of pollutants from the site;
- An inventory of the materials which may be exposed to stormwater; and,
- The history of spills or leaks of toxic or hazardous materials for the past 3 years.

The measures and controls to prevent or minimize pollution of stormwater must include:

- A description of existing or planned best management practices (BMPs) selected for each area where industrial materials or activities are exposed to stormwater;
- Good housekeeping or upkeep of industrial areas exposed to stormwater;
- An inspection and maintenance program of stormwater controls and other facility equipment;
- Spill prevention and response procedures to minimize the potential for, and the impact of, spills;
- Testing all outfalls to insure there are no cross connections, only stormwater discharges; and,
- Training of employees on pollution prevention measures and controls, and record keeping.

The permit also requires that facilities:

- Identify areas with a high potential for erosion and the stabilization measures or structural controls to be used to limit erosion in these areas; and,
- Implement traditional stormwater management measures (oil/water separators, vegetative swales, detention ponds, etc.) where they are appropriate for the site.

Inspection/Site Compliance Evaluation - Facility personnel must inspect the plant equipment and industrial areas on a regular basis. At least once every year, a more thorough site compliance evaluation must be performed by facility personnel to:

- Look for evidence of pollutants entering the drainage system;
- Evaluate the performance of pollution prevention measures;
- Identify areas where the Plan should be revised to reduce the discharge of pollutants; and,



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- Document both the routine inspections and the annual site compliance evaluation in a report.

Consistency - The Plan can incorporate other plans which a facility may have already prepared for other permits, including Spill Prevention Control and Countermeasure (SPCC) Plans, or Best Management Practices (BMP) Programs.

Signature - The Plan must be signed by a responsible corporate official such as the president, vice president or general partner.

Submission - A copy of the Plan should be submitted to:

Massachusetts Department of Environmental Protection
Division of Watershed Management
627 Main Street, 2nd Floor
Worcester, Ma 01608

Additional References –EPA-Final Reissuance of National Pollutant Discharge Elimination System (NPDES) Stormwater Multi-Sector General Permit for Industrial Activities (Oct. 30,2000, Federal Register/Vol. 65, No. 210, 64746); EPA - Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices (EPA 832-R-92-006, September 1992) on EPA's website at:
http://www.epa.gov/npdes/pubs/contents_indguide.pdf.

Also, the Summary Guidance for the same (EPA 833-R-92-002, October 1992) on EPA's website at:
<http://www.epa.gov/npdes/pubs/owm0236a.pdf>.



Massachusetts Department of Environmental Protection

Addresses and Phone Numbers

DEP Boston
One Winter Street
Boston, MA 02108
Telephone: (617) 292-5500
Fax: (617) 556-1049
TDD: (617) 574-6868

William X. Wall Experiment Station
37 Shattuck Street
Lawrence, MA 01843
Fax: (978) 688-0352
Division of Environmental Analysis
Telephone: (978) 682-5237
Air Quality Surveillance
Telephone: (978) 975-1138

Division of Watershed Management
627 Main Street
Worcester, MA 01608
Telephone: (508) 792-7470
Fax: (508) 791-4131

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: (413) 784-1100
Fax: (413) 784-1149



Adams	Colrain	Hampden	Monroe	Pittsfield	Tyringham
Agawam	Conway	Hancock	Montague	Plainfield	Wales
Alford	Cummington	Hatfield	Monterey	Richmond	Ware
Amherst	Dalton	Hawley	Montgomery	Rowe	Warwick
Ashfield	Deerfield	Heath	Monson	Russell	Washington
Becket	Easthampton	Hinsdale	Mount Washington	Sandisfield	Wendell
Belchertown	East Longmeadow	Holland	New Ashford	Savoy	Westfield
Bernardston	Egremont	Holyoke	New Marlborough	Sheffield	Westhampton
Blandford	Erving	Huntington	New Salem	Shelburne	West Springfield
Brimfield	Florida	Lanesborough	North Adams	Shutesbury	West Stockbridge
Buckland	Gill	Lee	Northampton	Southampton	Whately
Charlemont	Goshen	Lenox	Northfield	South Hadley	Wilbraham
Cheshire	Granby	Leverett	Orange	Southwick	Williamsburg
Chester	Granville	Leyden	Otis	Springfield	Williamstown
Chesterfield	Great Barrington	Longmeadow	Palmer	Stockbridge	Windsor
Chicopee	Greenfield	Ludlow	Pelham	Sunderland	Worthington
Clarksburg	Hadley	Middlefield	Peru	Tolland	

DEP Central Region
627 Main Street
Worcester, MA 01608
Phone: (508) 792-7650
Fax: (508) 792-7621
TDD: (508) 767-2788



Acton	Chanton	Hopkinton	Millbury	Rutland	Uxbridge
Ashburnham	Clinton	Hubbardston	Millville	Shirley	Warren
Ashby	Douglas	Hudson	New Braintree	Shrewsbury	Webster
Athol	Dudley	Holliston	Northborough	Southborough	Westborough
Auburn	Dunstable	Lancaster	Northbridge	Southbridge	West Boylston
Ayer	East Brookfield	Leicester	North Brookfield	Spencer	West Brookfield
Barre	Fitchburg	Leominster	Oakham	Sterling	Westford
Bellingham	Gardner	Littleton	Oxford	Stow	Westminster
Berlin	Grafton	Lunenburg	Paxton	Sturbridge	Winchendon
Blackstone	Groton	Marlborough	Pepperell	Sutton	Worcester
Bolton	Harvard	Maynard	Petersham	Templeton	
Boxborough	Hardwick	Medway	Phillipston	Townsend	
Boylston	Holden	Mendon	Princeton	Tyngsborough	
Brookfield	Hopedale	Milford	Royalston	Upton	

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: (508) 946-2700
Fax: (508) 947-6557
TDD: (508) 946-2795



Ablington	Danmouth	Freetown	Mattapoisett	Provincetown	Tisbury
Acushnet	Dennis	Gay Head	Middleborough	Raynham	Truro
Attleboro	Dighton	Gosnold	Nantucket	Rehoboth	Wareham
Avon	Duxbury	Halifax	New Bedford	Rochester	Wellfleet
Barnstable	Eastham	Hanover	North Attleborough	Rockland	West Bridgewater
Berkley	East Bridgewater	Hanson	Norton	Sandwich	Westport
Bourne	Easton	Harwich	Norwell	Scituate	West Tisbury
Brewster	Edgartown	Kingston	Oak Bluffs	Seekonk	Whitman
Bridgewater	Fairhaven	Lakeville	Orleans	Sharon	Wrentham
Brockton	Fall River	Manfield	Pembroke	Somerset	Yarmouth
Carver	Falmouth	Marion	Plainville	Stoughton	
Chatham	Foxborough	Marshfield	Plymouth	Swansea	
Chilmark	Franklin	Mashpee	Plympton	Taunton	

DEP Northeast Region
One Winter Street
Boston, MA 02108
Telephone: (617) 654-6500
Fax: (617) 556-1049
TDD: (617) 574-6868



Amesbury	Chelmsford	Hingham	Merrimac	Quincy	Wakefield
Andover	Chelsea	Holbrook	Methuen	Randolph	Walpole
Arlington	Cohasset	Hull	Middleton	Reading	Waltham
Ashland	Concord	Ipswich	Millis	Revere	Watertown
Bedford	Danvers	Lawrence	Milton	Rockport	Wayland
Belmont	Dedham	Lexington	Nahant	Rowley	Wellesley
Beverly	Dover	Lincoln	Natick	Salem	Wenham
Billerica	Dracut	Lowell	Needham	Salisbury	West Newbury
Boston	Essex	Lynn	Newbury	Saugus	Weston
Boxford	Everett	Lynnfield	Newburyport	Sherborn	Westwood
Braintree	Framingham	Malden	Newton	Somerville	Weymouth
Brookline	Georgetown	Manchester-By-The-Sea	Norfolk	Stoneham	Wilmington
Burlington	Gloucester	Marblehead	North Andover	Sudbury	Winchester
Cambridge	Groveland	Medfield	North Reading	Swampscott	Winthrop
Canton	Hamilton	Medford	Norwood	Tewksbury	Woburn
Carlisle	Haverhill	Melrose	Peabody	Topsfield	



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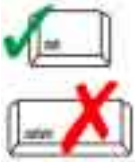
Transmittal Number _____

Facility ID# (if known) _____

A. Instructions

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Submit the following information:

1. A copy of the stormwater pollution prevention plan (SWPPP), developed for each facility or site covered by EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities. A SWPPP must be developed in order for stormwater discharges from industrial or construction activities to be authorized under either NPDES general permit listed above.
2. A signed copy of the Notice of Intent Form that will be submitted to EPA for coverage under either EPA's NPDES Stormwater Multi-Sector General Permit for Industrial Activities or the NPDES General Permit for Stormwater Discharges from Construction Activities.

B. Applicant Information

1. Applicant

Name _____

Street Address _____

City _____

State _____

Zip _____

Telephone _____

Email _____

Contact Person: _____

Telephone _____

2. Authorized Agent

Name _____

Street Address _____

City _____

State _____

Zip _____

Telephone _____

Email _____

3. Project Location

Name _____

Street/PO Box _____

City _____

State _____

Zip _____

4. Name of Receiving Water(s)

Name _____